

Jessica S. Boar (JB 5755)
BINGHAM MCCUTCHEN LLP
399 Park Avenue
New York, NY 10022-4689
Telephone: (212) 705-7000
Facsimile: (212) 752-5378

Attorneys for the Vitamin Shoppe Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ELENA KLYACHMAN,

Plaintiff,

-against-

THE VITAMIN SHOPPE, VITAMIN SHOPPE
INDUSTRIES, INC., VS DIRECT, INC., VS
HOLDINGS, INC., VS PARENT, INC. NATURE'S
VALUE, INC., ABC CORPORATIONS (1-10), and
JOHN DOES (1-10)

Defendants.

Civil Action No. 07 CV 1528

**STIPULATION AND ORDER
EXTENDING TIME TO
ANSWER OR OTHERWISE
RESPOND**

WHEREAS, Plaintiff Elena Klyachman ("Plaintiff") commenced this action on March 9, 2007 by filing a Complaint in the Superior Court of New Jersey, Law Division, Bergen County, captioned Elena Klyachman v. The Vitamin Shoppe, Vitamin Shoppe Industries, Inc., VS Direct, Inc., VS Holdings, Inc., VS Parent, Inc., Nature's Value, Inc., ABC Corporations (1-10) and John Does (1-10) and bearing Docket No. L-1739-07;

WHEREAS, Defendants The Vitamin Shoppe, Vitamin Shoppe Industries, Inc., VS Direct, Inc., VS Holdings, Inc. and VS Parent, Inc. (collectively, the "Vitamin Shoppe Defendants") were served with the Complaint on March 21, 2007;

WHEREAS, the Vitamin Shoppe Defendants removed this action to this Court on April

2, 2007;

WHEREAS, the Vitamin Shoppe Defendants' time to answer or otherwise move with respect to the Complaint has been extended to April 26, 2007 by a Clerk's Extension dated April 4, 2007;

WHEREAS, the Vitamin Shoppe Defendants' time to answer or otherwise move with respect to the Complaint has been extended to May 29, 2007 by Order executed on April 16, 2007 and filed on April 18, 2007;

WHEREAS, Defendant Nature's Value, Inc. was served with the Complaint on April 16, 2007;

WHEREAS, Nature's Value, Inc.'s time to answer or otherwise move with respect to the Complaint has been extended to May 31, 2007 by a Clerk's Extension dated May 9, 2007;

WHEREAS, two related cases are pending in federal court in California (*Sharilyn B. Castro v. Vitamin Shoppe Industries, Inc.*, Case No. CV 07-0135-IEG, CA Southern Dist., Judge Irma Gonzalez; *Sara Pineda and Zara Jellicoe v. Vitamin Shoppe Industries, Inc.*, Case No. CV 07-01533-SC, CA Northern Dist., Judge Samuel Conti), and one related case is pending in federal court in New Jersey (*Guittard et al. v. Vitamin Shoppe Industries, Inc.*, Case No. CV-07-1827, District of New Jersey, Judge Dickinson R. Debevoise) (collectively, the "Three Related Cases");

WHEREAS, the parties have discussed, and are actively engaged in, resolution of this action and the Three Related Cases through various means, including mediation which is currently scheduled for Monday, June 11, 2007 before Judge Edward Infante at JAMS's San Francisco offices, and agree that it is appropriate to stay these proceedings so as to allow them additional time to continue such efforts;

WHEREAS, the parties desire to avoid the significant expense to them and burden to the Court of actively litigating this action while attempting to resolve the claims asserted herein;

IT IS HEREBY STIPULATED by and between the parties as follows:

1. The time to answer or move with respect to the claims asserted in the complaint is hereby extended to and including July 5, 2007 for the Vitamin Shoppe Defendants and Defendant Nature's Value, Inc.

2. The plaintiff's time to remand the case to State Court is extended to July 30, 2007 to allow Defendants to provide support to Plaintiff for their position that the CAFA \$5 Million requirement has been met, thereby providing a basis for Federal Court jurisdiction.

3. This Stipulation may be executed in counterparts. Signatures to this Stipulation made by a facsimile copy shall have the same force and effect as original signatures.

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DATED: May 23, 2007

GAINES & MCKENNA

By: 

Barry J. Gaines
666 Godwin Avenue, Suite 230
Midland Park, New Jersey 07432

Attorneys for Plaintiff Elena Klyachman

DATED: May 23, 2007

BINGHAM McCUTCHEN LLP

By: 

Jessica S. Boar
399 Park Avenue
New York, New York 10022

Attorneys for the Vitamin Shoppe Defendants

Dated: May 23, 2007

ZEICHNER, ELLMAN & KRAUSE LLP


By: 

Philip S. Rosen
103 Eisenhower Parkway
Roseland, NJ 07068

Attorneys for Nature's Value, Inc.

IT IS SO ORDERED:

Dated: May 24, 2007


Hon. Dickinson R. Debevoise
U.S. DISTRICT JUDGE